



EFW

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

Group Art Unit: 3692

Harlan Arthur HURWITZ et al.

Examiner: L. MAGUIRE

Application No.: 10/524,111

Docket No.: 115572.02

Filed: December 9, 2005

For: CAPACITY MANAGEMENT AND TIMING

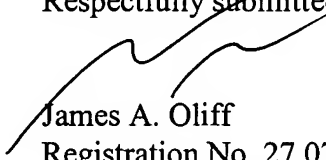
**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants assert that the January 31, 2008 Restriction Requirement is improper because the Preliminary Amendment filed February 10, 2005 cancelled claims 20-23 and 25-64. Because all of claims 1-19 and 24 are included within Group I, claims 1-34, and because claims 1-19 and 24 are the only pending claims, claims 1-19 and 24 are constructively elected.

Respectfully submitted,

  
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JAO:SMS/khm  
Date: February 26, 2008

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